

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ROY L. PERRY-BEY, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil No. 1:23-cv-01165-LMB-IDD
DONALD JOHN TRUMP, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), and 12(b)(6), Defendant Donald John Trump hereby moves to dismiss the Amended Complaint for Declarator Judgment and Injunctive Relief (ECF No. 10) with prejudice because Plaintiffs have failed to properly serve President Trump, lack standing to bring their claims, present nonjusticiable political questions, and do not allege facts sufficient to state a claim. A Memorandum in Support of Defendant's Motion is attached hereto.

Plaintiffs appear to be proceeding in this matter *pro se*. Consistent with Local Rule 7(K), Defendant provides the following warning, consistent with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975):

- (1) Plaintiffs are entitled to file a response opposing this motion. Any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion (*i.e.*, this Motion) is filed; and
- (2) The Court could dismiss the action on the basis of Defendant's papers if Plaintiffs do not file a response; and
- (3) Plaintiffs must identify all facts stated by the moving party (Defendant) with which the Plaintiffs disagree and must set forth Plaintiffs' version of the facts by offering affidavits (written statements signed before a notary public and under oath)

or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

(4) Plaintiffs are also entitled to file a legal brief in opposition to the one filed by the moving party (Defendant).

Dated: October 25, 2023

Respectfully submitted,

/s/ David A. Warrington
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all counsel of record in this action.

Date: October 25, 2023

By: /s/ David A. Warrington
David A. Warrington